

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-MKM  
(consolidated)

Hon. Judith E. Levy  
Mag. Kimberly G. Altman

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APPLICABLE TO ALL CASES

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VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC'S,  
VEOLIA NORTH AMERICA, INC.'S, AND VEOLIA NORTH AMERICA,  
LLC'S PROPOSED AGENDA ITEMS FOR THE JULY 19, 2023  
STATUS CONFERENCE

Pursuant to the Court's order setting a status conference for July 19, 2023 and requesting that the parties file proposed agenda items (ECF No. 2500), Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC ("VNA") propose the following agenda items for the status conference on July 19, 2023, in addition to the two agenda items set forth by the Court's order (ECF No. 2500).

- 1. MATLAB Code (If Necessary).** Following the last discovery conference, when the Court addressed VNA's issue related to Dr. Aaron Specht's production of his MATLAB code, the parties' experts conferred, and Dr. Specht agreed to produce his code in the format required by VNA. VNA expects that production

is forthcoming, but, to the extent the parties have any unresolved issues related to this topic, VNA respectfully requests that the Court address those issues (if any). If the parties are able to resolve these issues, VNA will notify the Court in advance of the July 19 conference.

**2. Privileged, Litigation-Related Post-January 2017 Documents.** VNA recently produced to Plaintiffs the non-privileged documents responsive to Plaintiffs' requests for certain post-January 2017 documents (the "Requests"), as ordered by the Court. As anticipated, other communications also responsive to the Requests are related to the Flint Water Litigation itself and are clearly privileged. Under the Case Management Order (ECF No. 1225), VNA is not required to log these communications, and VNA would like to further confirm with the Court that VNA does not need to produce slipsheets in lieu of these privileged documents—particularly since the number of slipsheets would significantly outnumber the non-privileged responsive documents that VNA has already produced in response to the Requests.

*Respectfully submitted,*

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O'NEIL, P.C.

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Dated: July 5, 2023

CERTIFICATE OF SERVICE

I, Alaina N. Devine, one of the counsel of record for the VNA defendants, certify that I served the within Proposed Agenda Item on July 5, 2023, by causing it to be e-filed through the Court's CM/ECF electronic filing system which will automatically deliver electronic copies of it to counsel of record for all parties to have appeared in *In re Flint Water Cases*.

/s/ Alaina N. Devine

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